

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GLORIA QUIMBEY, DECEASED, BY THE
PERSONAL REPRESENTATIVE FOR
THE WRONGFUL DEATH ESTATE,
JOHN FAURE,

Plaintiff,

vs.

Case No. _____

COMMUNITY HEALTH SYSTEMS, INC.,
COMMUNITY HEALTH SYSTEMS
PROFESSIONAL SERVICES CORPORATION,
COMMUNITY HEALTH SYSTEMS HOLDINGS
CORPORATION, COMMUNITY HEALTH
INVESTMENT COMPANY, LLC, TRIAD
HEALTHCARE CORPORATION, TRIAD
HOLDINGS V, LLC, TENNYSON HOLDINGS,
LLC, LAS CRUCES MEDICAL CENTER, LLC
D/B/A MOUNTAIN VIEW REGIONAL
MEDICAL CENTER,

and

ACCOUNTABLE HEALTHCARE STAFFING,
INC., ACCOUNTABLE HEALTHCARE
HOLDINGS CORPORATION, MEDASSETS
WORKFORCE SOLUTIONS, RONALD LALONDE,

and

AFFILION, LLC and JOEL MICHAEL JONES,

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Las Cruces Medical Center, LLC, d/b/a Mountain View Regional Medical Center ("MVRMC") files this Notice of Removal, and in support thereof, Defendant would show the Court the following:

I.

Plaintiff John Faure, as personal representative for the wrongful death estate of Gloria Quimbey ("Plaintiff"), filed a civil action against Defendant in the First Judicial District Court of Santa Fe County, New Mexico on May 9, 2014. Defendant was served with a summons on May 19, 2014. Plaintiff's complaint alleges medical negligence leading to cerebral hemorrhage, pain and suffering, mental anguish, humiliation and wrongful death. The case was assigned Cause No. D-101-CV-2014-01126.

II.

Plaintiff is a citizen of the State of New Mexico. Upon information and belief, Plaintiff's decedent was a citizen of the State of New Mexico.

Defendant Las Cruces Medical Center, LLC is a Delaware limited liability company. The sole member of Las Cruces Medical Center, LLC is Triad Holdings V, LLC, a Delaware limited liability company. The sole member of Triad Holdings V, LLC is Tennyson Holdings, LLC, a Delaware limited liability company. The sole member of Tennyson Holdings, LLC is Triad Healthcare Corporation, a Delaware corporation with its principal place of business in Franklin, Tennessee. Community Health Systems Professional Services Corporation is a Delaware corporation, with its principal place of business in Franklin, Tennessee. Community Health Systems Holdings Corporation was a Delaware corporation with its principal place of business in Tennessee. Effective December 31, 2007, Community Health Systems Holdings Corporation was converted into a limited liability company and is now known as Community Health Investment Company, LLC. Community Health Investment Company, LLC is a Delaware limited liability company. The sole member of Community Health Investment Company LLC is CHS/Community Health Systems, Inc., a Delaware corporation with its

principal place of business in Franklin, Tennessee. Community Health Systems, Inc. is a Delaware corporation with its principal place of business in Franklin, Tennessee.

Accountable Healthcare Staffing, Inc. is a Delaware corporation with its principal place of business in Boca Raton, Florida. Accountable Healthcare Holdings Corporation is a Florida corporation with its principal place of business in Boca Raton, Florida. MedAssets Performance Management Solutions, Inc. d/b/a MedAssets Workforce Solutions f/k/a The Broadline Group, Inc. d/b/a Proluent Workforce Management is a Delaware corporation with its principal place of business in Alpharetta, Georgia. Ronald La Londe is a citizen of Canada, who is a resident of Round Rock, Texas.

Affilion, LLC is a New Mexico limited liability company. The sole member of Affilion, LLC is Dr. Gregory Byrne. Dr. Byrne is a citizen of Texas. Dr. Joel Michael Jones is a citizen of Virginia.

Under 28 U.S.C. § 1332(c), Defendants Las Cruces Medical Center, LLC; Triad Holdings V, LLC; Tennyson Holdings, LLC; and Community Health Investment Company, LLC are citizens of Tennessee, and Affilion LLC is a citizen of Texas, for purposes of federal jurisdiction based on diversity of citizenship. *See Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1079-80 (5th Cir. 2008) (holding that citizenship of a limited liability company is determined by the citizenship of all of its members); *also see Belleville Catering Co. v. Champaign Mkt. Place, LLC*, 350 F.3d 691, 692 (7th Cir. 2003). Accordingly, there is complete diversity of citizenship between Plaintiff and Defendants.

III.

In the Complaint, Plaintiff seeks damages for alleged medical negligence leading to cerebral hemorrhage, pain and suffering, mental anguish, humiliation and wrongful death.

Plaintiff also seeks punitive damages against Defendants for their alleged conduct. This Court has original subject matter jurisdiction over this action under 28 U.S.C. § 1332 because complete diversity of citizenship exists and the amount in controversy exceeds \$75,000, excluding interest and costs. Diversity jurisdiction existed both at the time the state court action was filed and at the time of this removal. This case may be removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

IV.

All Defendants have consented to the removal of this action, pursuant to 28 U.S.C. § 1446(b)(2)(A). *See* Consents, attached to this notice as Exhibits D - G. Defendant MedAssets Performance Management Solutions, Inc. d/b/a MedAssets Workforce Solutions f/k/a The Broadline Group, Inc. d/b/a Prolucent Workforce Management (“MedAssets”) has not yet retained trial counsel in this matter. However, counsel for MVRMC has conferred with corporate counsel for MedAssets and confirmed its consent to removal.

V.

Plaintiff’s Complaint was filed on May 9, 2014, and MVRMC was served with summons on May 19, 2014. This Notice of Removal was filed within 30 days of receipt of a copy of Plaintiff’s Complaint and less than one year after the state court action was commenced. Thus, this Notice of Removal is timely and all conditions and procedures for removal have been satisfied. *See* 28 U.S.C. § 1446(b). A filing fee of \$400.00 is tendered herewith.

VI.

MVRMC attached the following documents to its Notice of Removal:

- a. True and correct copy of Plaintiff's Complaint for Wrongful Death, Negligence, Misrepresentation, and Punitive Damages filed on May 9, 2014;
- b. True and correct copy of Plaintiff's Jury Demand filed on May 9, 2014; and
- c. True and correct copy[ies] of all executed summons for Las Cruces Medical Center LLC d/b/a Mountain View Regional Medical Center.

Pursuant to D.N.M.LR-Civ 81.1(a), MVRMC will transmit to the Court copies of the records and proceedings from the state court action within 28 days of the filing of this Notice of Removal.

VII.

Contemporaneously with the filing of this Notice of Removal, MVRMC is filing a Notice of Filing of Notice of Removal with the clerk of the First Judicial District Court of Santa Fe County, New Mexico, and has given prompt notice of the filing of this Notice of Removal to all adverse parties, pursuant to 28 U.S.C. § 1446(d).

VIII.

Plaintiff filed a Jury Demand for a six-person jury with the Complaint on May 9, 2014.

IX.

Accordingly, Defendant Las Cruces Medical Center, LLC d/b/a Mountain View Regional Medical Center removes this action and requests that this Court place this case on the docket of the United States District Court for the District of New Mexico.

Respectfully submitted,

**SERPE, JONES, ANDREWS,
CALLENDER & BELL, PLLC**

By: /s/ Randall Jones

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**ATTORNEY IN CHARGE FOR DEFENDANT,
LAS CRUCES MEDICAL CENTER, LLC
D/B/A MOUNTAINVIEW REGIONAL
MEDICAL CENTER**

CERTIFICATE OF SERVICE

On this the 17th day of June, 2014, a true and correct copy of the above was forwarded to all counsel of record.

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/s/ Randall Jones
Randall Jones